



# Department of Pesticide Regulation



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*Director*

Arnold Schwarzenegger  
*Governor*

May 29, 2008

TO: Environmental Justice Interested Parties

SUBJECT: UPDATE ON ENVIRONMENTAL JUSTICE PLANNING

The California Environmental Protection Agency (Cal/EPA) has asked all its boards, departments, and offices (BDOs) to “prepare an environmental justice strategic plan, or review and update, as appropriate, an existing EJ strategic plan, reflecting BDO-specific purpose, mission, goals, and milestones to achieve the California Environmental Protection Agency’s overarching vision outlined in this strategy.”

The Department of Pesticide Regulation (DPR) is committed to incorporating environmental justice (EJ) in its programs and activities. To do that requires development of an EJ strategy and work plan that meshes seamlessly with the Department’s overall strategic plan, and with the operational plans DPR branch chiefs prepare and update yearly. To that end, in 2006 we set up an informal advisory work group to develop recommendations for goals and activities they felt were important to include in the EJ planning documents. They did so in ten public meetings over a year. Their recommendations, and minutes of the meetings, are on our Web site <http://www.cdpr.ca.gov/docs/envjust/planning.htm>.

Working from these recommendations and with input from our staff and managers, we will continue to develop a draft EJ plan. We had anticipated conducting facilitated workshops throughout the state as part of our EJ plan development. However, the budget for these facilitated workshops would be approximately \$35,000. In this period of constrained resources, we believe these funds would be better spent maintaining and improving programs important to EJ communities. Therefore, instead of a series of public workshops, once our draft plan is complete we will seek comment on it through our Web site and by sending it to interested parties via our EJ list server.

However, even without a formal EJ plan in place, we will continue to incorporate environmental justice considerations in our programs and activities. We recently revised our departmental strategic plan, and among its five major goals is “Ensure environmental justice.” Completion and execution of an EJ strategy and work plan is one of the four objectives to fulfill the goal. Other



objectives address maintaining transparency, ensuring equity and fair treatment, and working to address current as well as emerging EJ challenges. (DPR's Strategic Plan is online at [http://www.cdpr.ca.gov/docs/dept/planning/strg\\_pln/2008plan/strtplan.pdf](http://www.cdpr.ca.gov/docs/dept/planning/strg_pln/2008plan/strtplan.pdf).)

We have also been working to meet EJ concerns previously identified by stakeholders. For example, in a series of "listening sessions" we had in 2004, community members brought several EJ issues to our attention. Our EJ work group highlighted others. Even without a formal EJ plan in place, we can point to substantial accomplishments and continuing efforts.

EJ advocacy groups criticized DPR for failing to provide to communities impacted by pesticide use information on how to recognize and report pesticide problems. To help address this, in late 2006, DPR launched an automated, toll-free line that provides the telephone number of the county agricultural commissioner and then offers to transfer the caller there. The recorded line, in English and Spanish, is designed to encourage timely filing of pesticide complaints, a key to successful investigation. Over the next couple of years, the number will appear in the government pages of telephone directories, under "P" for "pesticide," to make it easier for people to get the help they need.

This month we published a *Community Guide to Recognizing and Reporting Pesticide Problems*. We produced this 34-page booklet to make it easier for people to get help in a pesticide emergency and resolve pesticide use complaints and concerns. The booklet has easy-to-understand information about how DPR and the county agricultural commissioners oversee the safe use of pesticides in California. We mailed copies to public and university libraries, community health centers and clinics, county health officers, local directors of environmental health, and community and environmental advocacy groups. Free copies are available to the public, by request, and we have posted it on our Web site. We are translating the guide into Spanish and developing brief handouts in both English and Spanish, drawn from various chapters.

We are also beginning work on a companion volume, *Helping Make Better Pesticide Rules: A Public Participation Guide*. It is designed to provide information on how pesticide rules are made in California, and help people participate effectively in this process. It will help people understand the respective roles of government agencies responsible for controlling pesticide use, how they make decisions, and how individuals and groups can let their voices be heard.

Again, however, we are not waiting for this to be finished to improve our public participation efforts. DPR wants to enhance the participation of the public in state and local regulatory processes, and ensure that potentially affected parties are not overlooked or excluded. We recognize that meaningful public participation is an interactive dialogue, with DPR disseminating information on possible approaches, analyses, and decisions, as well as receiving information, comments, and advice. In 2006, we opened the process of selecting pesticides for

risk assessment to public comment, and posted more than two dozen completed risk assessments online. We also are making risk management more transparent and open to public comment. Risk management is how we decide whether an assessed risk presents a public health concern and, if so, what can be done to reduce the risk.

We routinely schedule regulatory hearings now outside Sacramento, at times and places convenient to local residents, with simultaneous translation into Spanish. Key regulatory documents are now routinely translated into Spanish. We conducted workshops in Sacramento, Oxnard, and Parlier on our air quality initiative, and other workshops in the San Joaquin Valley on proposed controls for MITC-emitting fumigants. To further increase transparency in decision-making, in 2007 we required all program managers and supervisors to take five days of training on how to ensure the public is more involved in the decisions they make on policies and activities.

In our 2004 listening sessions, we heard that enforcement should be strengthened, and we have done so. DPR and the county agricultural commissioners developed a pesticide Enforcement Response Policy in 2005. The goal was to help counties set priorities and make enforcement response more consistent among the state's 58 counties. An informal DPR survey of pesticide enforcement actions found between 2004 and 2005, with the new policy in effect, fines nearly doubled. In late 2006, DPR put the policy into regulation. The rules follow the common-sense idea that violators should be punished, and the most serious violations should draw the most serious penalties. The regulations also encourage the county agricultural commissioners to give local district attorneys the opportunity to file civil or criminal prosecution in serious cases. DPR is also funding a pilot project in Kern County designed to improve protections to workers and others from pesticide drift. Kern County is setting up a system to notify operators of bordering properties when restricted materials are to be used.

Another issue raised at the 2004 listening sessions, and later by our informal EJ advisory group, was that our Pest Management Grants Program should be revived. This successful program that allowed DPR to provide financial support to projects that encourage adoption of least-toxic pest management practices, had been suspended in 2002 after a round of budget cuts. In 2007, the Schwarzenegger Administration restored funding for this program. Despite the renewed budget constraints, we are confident that funding will continue.

We also continue to support other projects that reduce risks to workers and communities. For example, our Worker Health and Safety Branch Outreach Program has worked actively to provide pesticide safety information to farmworkers and their families and improve their understanding of illness issues. We have provided information directly through workshops and a community event (with more scheduled), and have also provided materials and training to lay health educators (promotoras de la salud) so that they can carry the message into their communities.

A monthly workshop at the Women, Infants, and Children Program in Patterson offers training in Spanish or English, as well as providing an opportunity to distribute our Pesticide Illness Safety Series leaflets and pesticide safety fact sheets. When the La Favorita Spanish language radio station sponsored a Cinco de Mayo celebration, our outreach worker staffed a booth there, which the radio station promoted with frequent announcements during the preceding two weeks.

Our outreach worker has attended promotora conferences in Burbank, Indio, and Sacramento. These and the Cinco de Mayo participation led to invitations to present workshops for farmworkers in the Salinas area, to participate in the farmworkers' day event sponsored annually in August by California Rural Legal Assistance, and to give an interview on Spanish television station Telemundo 33.

DPR has also participated in integrated pest management initiatives that have identified and promoted reduced-risk practices and pest management systems for tree and nut crops common in the San Joaquin Valley. We have also funded use of target-sensing "smart sprayers" that turn off application nozzles between plants. With guidance from university scientists, this technology is being used to find the best way it can help reduce volatile organic compound emissions, drift, and pesticide use.

We are implementing regulations to reduce volatile organic compound emissions from fumigant pesticides. Although reducing toxic exposure to fumigants is not the primary goal of the regulations, in reducing emissions and use, these regulations will also help reduce exposure. In this, we will all benefit.

Strongly recommended at the listening sessions as well as by the EJ work group was the development of a complaint response protocol by DPR and the county agricultural commissioners. The Air Resources Board and the California Air Pollution Control Officers Association already have a joint protocol. It is intended "to ensure timely and effective resolution of air pollution complaints and to inform the public of the process." This protocol covers respective roles and responsibilities under state law and how each agency will respond to complaints.

I am pleased to announce that we are forming a work group to develop a complaint resolution protocol, to be signed jointly by DPR and the California Agricultural Commissioners and Sealers Association. The work group will include representatives of community and EJ groups, as well as other representatives of the regulated community. We will soon provide more details on the process.

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We remain committed to working with other government agencies, regulated industries, communities, and other interested parties to ensure environmental justice. In choosing to forgo public workshops on the plan, we are changing our approach, not our direction or commitment.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Warmerdam", with a long horizontal stroke extending to the right.

for:

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